

REMARKS

Claims 1-12, 14, 15 and 17-26 are pending in the present application. The Examiner finally rejected the pending claims under 35 U.S.C. § 102(e) as being anticipated by Katz et al. (US 5926624). Applicants herewith submit a Request for Continued Examination pursuant to 37 C.F.R. 1.114 with this Amendment as the requisite submission. With entry of this Amendment, Applicants amend claims 1, 8, 17, 21 and 23, 25 and 26 and cancel claim 9 without prejudice. Reexamination and reconsideration are respectfully requested.

The present invention, as set forth in claim 1, is directed to a program creation/supply apparatus. The apparatus communicates with a client apparatus via a communication network. The apparatus has a processor section that prompts the client apparatus to select one or more items of content. The apparatus also prompts the client apparatus to input additional information in correspondence with the selected item(s) of content. The additional information comprises a user's comment to be displayed in the client apparatus while a selected corresponding item is being reproduced in the client apparatus.

Applicants have amended claim 1 to recite "said additional information comprising a user's comment to be displayed in the client apparatus while a selected corresponding item of content is being reproduced in the client apparatus." Support for this amendment is found throughout the specification including, for example, at page 44, second full paragraph. Applicants have also amended claim 1 to recite "the one or more items of contents" given that the antecedent recitation refers to "one or more items of content."

Katz is directed to a system where multimedia data is communicated between a server and a client in a secured manner. The client has a browser that allows a user to browse, preview, select, purchase and take delivery of information from the server (see, e.g., Col. 8, line 63 to Col. 9, line 6). A mobile playback device can be connected to the client or directly to the server (see, e.g., Col. 5, lines 21-32 and Col. 16, line 63-66).

There is no disclosure or suggestion in Katz of prompting the client to input additional information “comprising a user’s comment to be displayed in the client apparatus while a selected corresponding item is being reproduced in the client apparatus.”

The Examiner has cited Col. 8, lines 5-40 and its reference therein to a “client request” as disclosing a “user’s comment” (see, e.g., Page 3 of the Office Action). Col. 8, lines 7-12 explains that the client request is for accessing the digital information files of the library server and purchasing selected files. It appears that the Examiner is equating a user’s comment on a selected item of content with a selection request or an access request to the library server. However, the above recitation makes clear that the user’s comment is in correspondence with a selected item of content. The comment is not the selection, itself, nor is it a request for access. Moreover, the comment is to be displayed while the selected item is being reproduced by the client apparatus, which is also not disclosed in the cited section.

The Examiner’s citation to Col. 10, lines 20-40 similarly fails to disclose the above recitation. The cited section discloses that the mobile playback device can provide “user input” to the client. However, the user input is provided through buttons and knobs on the mobile playback device for navigation and adjusting playback parameters (such as volume) and configuration data. Navigating a selection list, making a selection and changing a volume do not constitute a comment about the selection. Nor does the cited section disclose that the comment is to be displayed while the selected item is being reproduced.

Finally, the Examiner’s citation to Col. 16, lines 34-63 also fails to disclose the above recitation. This citation was made with respect to claim 9, which has been cancelled without prejudice. Claim 9 was directed to a “comment.” The cited section discloses that the client stores a subset of files in local library 710 (see Fig. 7). This allows for the client to search, store, categorize and abstract the locally stored content (see, e.g., Col. 16, lines 47-49). These actions are thus to be performed locally, and there is no disclosure or suggestion that the library server prompts the client for inputting a selection and additional information comprising a user’s comment to be displayed while the selected item of content is being reproduced.

Accordingly, for the reasons set forth above, Applicants respectfully submit that claim 1 is not anticipated by Katz.

Applicants respectfully submit that claims 2-8, 10-12, 14 and 15 which depend from claim 1 are not anticipated by Katz for at least the reasons set forth above. Applicants note that they have amended claim 8 to better claim the invention.

Applicants have similarly amended independent claims 17, 21, 23, 25, and 26 and respectfully submit that these claims and their respective dependent claims are not anticipated by Katz for at least the reasons set forth above with respect to claim 1.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032028900.

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Respectfully submitted,

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